UNFINISHED BUSINESS

Bill No: SB 504
Author: Becker (D)
Amended: 7/8/21
Vote: 21

SENATE ELECTIONS & C.A. COMMITTEE: 5-0, 3/15/21
AYES: Glazer, Nielsen, Hertzberg, Leyva, Newman

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 4/20/21
AYES: Bradford, Ochoa Bogh, Kamlager, Skinner, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 5/20/21
AYES: Portantino, Bates, Bradford, Jones, Kamlager, Laird, Wieckowski

SENATE FLOOR: 39-0, 6/3/21
AYES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero,
   Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg,
   Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Melendez,
   Min, Newman, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Stern,
   Umberg, Wieckowski, Wiener, Wilk
NO VOTE RECORDED: Nielsen

ASSEMBLY FLOOR: 74-0, 9/1/21 - See last page for vote

SUBJECT: Elections: voter registration

SOURCE: California Association of Clerks and Election Officials

DIGEST: This bill requires a county elections official to make conditional voter registration available to military and overseas voters via a certified remote accessible vote by mail (RAVBM) system. This bill also requires the Secretary of State (SOS) to provide county elections officials with identifying information for persons imprisoned for the conviction of a felony and persons on parole or otherwise released from that imprisonment, as specified.

Assembly Amendments provide additional details to the process and procedures for cancelling a voter registration when information is received by the SOS and provided to counties. The amendments also make clarifying changes.

ANALYSIS:

Existing law:

1) Permits a person who is a United States citizen, a resident of California, not imprisoned for the conviction of a felony, and at least 18 years of age at the time of the next election, to register to vote and to vote.

2) Defines the following terms:

   a) "Imprisoned" to mean currently serving a state or federal prison term.

   b) Provides that "conviction" does not include a juvenile adjudication made pursuant to existing law.

3) Permits any voter, including a voter with a disability or a military or overseas voter, to apply for and receive a vote by mail (VBM) ballot from the voter's elections official.

4) Defines "remote accessible vote by mail system," for the purposes of the Elections Code, to mean a mechanical, electromechanical, or electronic system and its software that is used for the sole purpose of marking an electronic VBM ballot for a voter with disabilities or a military or overseas voter who prints the paper cast vote record to be submitted to the elections official. A RAVBM system shall not be connected to a voting system at any time.

5) Requires the SOS to certify or conditionally approve a RAVBM system, or part of a RAVBM system, as specified.

6) Requires a county elections official to permit a voter with a disability or a military or overseas voter to use a certified RAVBM system, as specified.

7) Required a county elections official to permit any voter to cast a ballot using a certified RAVBM system, regardless of whether the voter is a voter with disabilities or a military or overseas voter for the statewide general election held on November 3, 2020.

8) Defines "conditional voter registration" to mean a properly executed affidavit of registration that is delivered by the registrant to the county elections official during the 14 days immediately preceding an election or on Election Day and

which may be deemed effective after the elections official processes the affidavit, determines the registrant's eligibility to register, and validates the registrant's information, as specified.

9) Provides that a conditional voter registration is deemed effective if the county elections official is able to determine before or during the canvass period for the election that the registrant is eligible to register to vote and that the information provided by the registrant on the registration affidavit matches information contained in a database maintained by the Department of Motor Vehicles or the federal Social Security Administration. If the information provided by the registrant on the registration affidavit cannot be verified this way, but the registrant is otherwise eligible to vote, the registrant shall be issued a unique identification number, as specified, and the conditional voter registration shall be deemed effective.

10) Requires the elections official to provide conditional voter registration and voting pursuant to this article at all permanent and satellite offices of the county elections official and all polling places in the county.

11) Requires the Legislature to provide for the disqualification of electors while mentally incompetent or serving a state or federal prison term for the conviction of a felony.

12) Requires the county elections official to cancel the affidavits of registration upon the proof that the person is presently imprisoned for the conviction of a felony.

13) Requires the clerk of the superior court of each county to furnish to the SOS and the county elections official, not less than the first day of every month, a statement showing the names, addresses, and dates of birth of all persons who have been committed to state prison as the result of a felony conviction, as specified. Requires the SOS or the county elections official to cancel the affidavits of registration of those persons who are currently imprisoned for the conviction of a felony.

14) Declares it is the intent of the Legislature that voter registration be maintained at the highest possible level. Requires the SOS to adopt regulations requiring each county elections official to design and implement programs intended to identify qualified electors who are not registered to vote, and to register those person to vote, as specified.

This bill:

1) Requires an elections official to make conditional voter registration and voting available to military and overseas voters as well as voters with disabilities through a certified RAVBM system, as specified.

2) Repeals provisions of law that require the clerk of the superior court of each county to furnish the SOS and the county elections official, not less than the first day of every month, a statement showing the names, addresses, and dates of birth of all persons who have been committed to state prison as the result of a felony conviction, as specified.

3) Requires the California Department of Corrections and Rehabilitation (CDCR) to provide to the SOS, on a weekly basis and in a format prescribed by the SOS, specified identification information for all persons imprisoned or on parole for the conviction of a felony and under the jurisdiction of CDCR as well as persons released from imprisonment for the conviction of a felony and no longer under the jurisdiction of CDCR. Requires the identification information to include all of the following:

   a) All known first, middle, and last names.

   b) All known name suffixes.

   c) Last known address.

   d) Date of birth.

   e) Last four digits of the person's social security number, if available.

   f) Driver's license or state-issued identification number, if available.

4) Requires the SOS to identify any registration record in the statewide voter database that contains identifying information that matches information pertaining to a person imprisoned for the conviction of a felony and under the jurisdiction of CDCR or on parole, as specified. Requires the SOS to provide this information to county elections officials within three days of receipt of the information from CDCR.

5) Requires a county elections official, upon receipt of information from the SOS, to do all of the following:

   a) Cancel the affidavit of registration of any person whose registration information matches the information provided by the SOS to the county.

b) Using a form prepared by the SOS, notify individuals on parole or individuals released from imprisonment for the conviction of a felony and no longer under the jurisdiction of CDCR, and whose last known address is within the county, as specified, that the individual's voting rights are restored and advise the individual that if the individual is otherwise entitled to register to vote the individual may register to vote. Requires the county elections official to also provide the individual with information regarding the procedure for registering to vote.

6) Provides that a county or county elections official is not liable for taking or failing to cancel an affidavit of registration or notify a person of their restored right to vote when the county or county elections official have received erroneous information from the SOS or CDCR.

7) Provides that if a person who is ineligible to vote receives a notice and becomes registered or preregistered to vote, and votes or attempts to vote in an election held after the effective date of the person's registration or preregistration, that person shall be presumed to have acted with official authorization and shall not be guilty of fraudulently voting or attempting to vote unless that person willfully votes or attempts to vote knowing that the person is not entitled to vote, as specified.

8) Makes technical, clarifying, and conforming changes.

Background

Military and Overseas Voters. In California, an individual is permitted to register to vote electronically. When registering to vote as a military or overseas voter, a voter can choose to have their ballot mailed, faxed, or emailed to them. Additionally, county elections officials begin sending ballots to military and overseas voters 60 days before Election Day. The voter may return the voted ballot to their county elections official by mail or, in certain circumstances, by fax. If returning a voted ballot by fax, then the voter must fax an "Oath of Voter" form waiving the voter's right to a confidential ballot.

Conditional Voter Registration. Conditional voter registration permits eligible citizens who need to register or re-register to vote within 14 days of an election to register and vote at their county elections office, polling place, or vote center. Their ballots are processed and counted once the county elections office has completed the voter registration verification process. According to data from the SOS, 269,862 voters used the conditional voter registration process to vote in the November 2020 general election.

California Disenfranchisement Laws. Article II, Section 4 of the California Constitution states that "[the] Legislature shall prohibit improper practices that affect elections and shall provide for the disqualification of electors while mentally incompetent or serving a state or federal prison term for the conviction of a felony." Elections Code Section 2101 is the statute that implements Article II, Section 4 of the California Constitution. Section 2101 states that "[a] person entitled to register to vote shall be a United States citizen, a resident of California, not imprisoned for the conviction of a felony, and at least 18 years of age at the time of the next election." In order to maintain an updated and current voter file, elections officials are required to cancel the voter registrations of individuals who are imprisoned for the conviction of a felony. However, a person who is on parole or probation is permitted to register to vote and vote.

Comments

According to the author, SB 504 improves two critical election processes by (1) ensuring justice involved folks are granted the right to register to vote with more accurate voter rolls, and (2) grants Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) voters the ability to "Conditionally" or "Same Day" register to vote.

Justice Involved Voters: In order to not mistakenly remove a voter roll record, definitive information regarding felon status must be sent to counties before cancellation of a voter record. A formerly incarcerated person must also be communicated to when their ability to register has been restored.

SB 504 creates a single, weekly flow of information from CDCR to the SOS and eliminates the use of outdated or faulty court reports. It also does not hold county elections offices responsible for inaccurate data provided by the state.

The data flows through the VoteCal system which determines if a match to a voter record is found. Only after a match will VoteCal transmit the information to the county to cancel the registration.

UOCAVA Voters: These voters often miss the deadline to register to vote. Because they are unable to access Same Day Voter Registration the same way other voters do, UOCAVA voters receive unequal treatment and are being disenfranchised.

Elections Officials can apply the same process used for an in-person voter to a voter who is overseas or in the military. The registration process for a UOCAVA voter is not different from a domestic voter. Elections officials use the same

resources to process and verify UOCAVA registrations. The only difference is that Same Day voter registration is electronic/online as opposed to in person.

Related/Prior Legislation

AB 787 (Gipson, 2019), among other provisions related to voter registration activities in county jail facilities, would have required the SOS to provide county elections officials with identifying information for persons imprisoned for the conviction of a felony and persons on parole or otherwise released from that imprisonment, as specified. The bill died in Senate Appropriations Committee.

AB 1344 (Weber, Chapter 796, Statutes of 2017) required CDCR and county probation departments to post in the office and online voting rights information. Additionally, the bill required CDCR and county probation departments to provide voting rights information and affidavits of registration to persons under their jurisdiction upon request.

AB 2252 (Ting, Chapter 75, Statutes of 2016) allowed a military or overseas voter or a voter with disabilities to electronically receive and mark the voter's VBM ballot using a RAVBM system.

SB 1063 (Block, Chapter 624, Statutes of 2014) required specified state and local juvenile detention facilities to identify eligible individuals housed in those facilities to register to vote and provide assistance in completing affidavits of registration and returning the completed voter registration cards, as specified.

AB 1805 (Huffman, Chapter 744, Statutes of 2012) established new voting procedures for military and overseas voters, as defined, to comply with the UOCAVA and implement the policies of that act and the Uniform Military & Overseas Voter Act adopted by the National Conference of Commissioners on Uniform State Laws.

FISCAL EFFECT: Appropriation: No   Fiscal Com.: Yes   Local: Yes

According to the Assembly Appropriations Committee:

1) First year SOS costs of $278,000, and $268,000 annually thereafter, to implement the provisions of the bill (General Fund).

2) CDCR costs are absorbable within existing resources.

3) By requiring county elections officials to perform this bill's specified duties, this bill creates state-mandated local programs. To the extent the Commission

on State Mandates determines the provisions of this bill impose a higher level of service, counties could claim reimbursement for those costs (General Fund). The amounts counties might claim are unknown, however local election officials indicate the workload associated with this bill is absorbable within existing resources.

SUPPORT: (Verified 9/1/21)

California Association of Clerks and Election Officials (source)
ACLU California Action
California Federation of Teachers
California Public Defenders Association
California State Association of Counties
Disability Rights California
League of Women Voters of California
Microsoft Corporation

OPPOSITION: (Verified 9/1/21)

None received

ASSEMBLY FLOOR: 74-0, 9/1/21
AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Bryan, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Lackey, Lee, Levine, Low, Maienschein, Mayes, McCarty, Medina, Mullin, Muratsuchi, Nazarian, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon
NO VOTE RECORDED: Choi, Flora, Kiley, Mathis, Nguyen

Prepared by: Scott Matsumoto / E. & C.A. / (916) 651-4106
9/1/21 19:25:17

**** END ****